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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/584,420	06/04/2007	Naoki Muramatsu	9683/268	9445

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BRINKS HOFER GILSON & LIONE
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CHICAGO, IL 60610

EXAMINER

TRUONG, LECHI

ART UNIT	PAPER NUMBER
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2194

MAIL DATE	DELIVERY MODE
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12/11/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/584,420

Applicant(s)

MURAMATSU ET AL.

Examiner

LeChi Truong

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMPSON
SUPERVISORY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/2/07, 8/2/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-7 are presented for the examination.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-6 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.
3. Claim 1 is rejected under 35 U.S. C. 101 because the claimed invention, appearing to be comprised of software alone without claiming associated computer hardware required for execution.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4, 5, 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judge et al (US 6,430,570 b1) in view of Ruutu (US 2004/0205769 A1).

As to **claim 1**, Judge teaches the invention substantially as claimed including: a system program (a Java virtual machine, col 1, ln 25-30), a parent program(java class 28a, 28 b, col 4, ln 10-15), a program(application 26a, 26b, 26c, col 4, ln 10-16), first storing means for storing a system program necessary for execution of a program, a parent program(col 1, ln 25-30/ col 4, ln 10-15), a management program(application manager 24, col 3, ln 51-56), a management program for managing an execution of a program which is performed by using the parent program(col 3, ln 31-56/ col 4, ln 10-17), a child program(java application, col 2, ln 30-35/ application 26a, 26 b, 26 c, col 5, ln 32-36), second storing means for storing a child program(col 2, ln 30-35/ col 5, ln 32-36); child program executing means for executing the child program stored in the second storing means by using the system program and the parent program(col 6, ln 15-24/ ln 35-42), management program executing means for executing the management program by using the system program(col 3, ln 50-56), a work area (embedded device 20, col 4, ln 45-52), third storing means which is a work area for the child program which is executed and caused to run by the child program executing means(col 4, ln 45-52), fourth storing means which is accessed by the management program executing means(col 5, ln 5-15).

Judge does not explicitly teach writing in the fourth storing means key information for identifying the child program which is executed , receiving a message via a communication network; and matches key information stored in the fourth storing means, writing in the third storing means information that the message has been received, by using system program and management program. However, Ruutu teaches writing in the fourth storing means key information for identifying the child program which is executed , receiving a message via a

communication network; and matches key information stored in the fourth storing means, writing in the third storing means information that the message has been received, by using system program and management program(creating a table of entries where each of the entries includes one of the application identifiers and its corresponding outbound logical connection identifier used to transfer a particular message, etc. In one particular embodiment, creating a table of entries includes creating the table of entries using a Message Queue (MQ), Para[0012], ln 22-27/ a memory to store affiliations of application identifiers and corresponding outbound logical connection identifiers for each of one or more outbound messages communicated from the source device. A Message Queue (MQ) module is configured to compare inbound logical connection identifiers of inbound messages to the outbound logical connection identifiers of the stored affiliations, para[0014], ln 4-8).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Judge with Ruutu to incorporate the feature of writing in the fourth storing means key information for identifying the child program which is executed, receiving a message via a communication network; and matches key information stored because this provides the identification to facilitate the location of an application among plurality of applications for executing.

As to claim 2, Judge teaches a program for realizing a Java (registered trademark) virtual machine, the child program is a Java application program (col 1, ln 25-30), and the child program executing means executes the child program stored in the second storing means in the Java virtual machine by using the system program and the parent program (col 4, ln 20-22).

As to claim 4, Judge teaches the key information contains a first identifier which is

associated with the child program in the server, and a second identifier indicating a location in the server where the child program is stored(col 11, ln 10- 21).

As to claim 5, Ruutu teaches if a content of a message received by the receiving means matches key information stored in the fourth storing means, and further if the message contains an identifier associated with the management program, writes in the third storing means information that the message has been received by using the system program and the management program (para [0057], ln 5-13).

As to claim 7, it is an apparatus claim of claim 1; therefore, it is rejected for the same reason as claim 1 above.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Judge et al (US 6,430,570 b1) in view of Ruutu (US 2004/0205769 A1), as applied to claim 1 above, and further in view of Woodring (US 20030063731 A1).

As to claim 3, Ruutu teaches writing them in the second storing means in association with each other, wherein, the first writing means reads from the second storing means the key information for identifying the child program (para [0047], ln 1-5) and Judge teaches caused to run by the child program executing means by using the system program and the management program (col 4, ln 10-25).

Judge and Ruutu do not teach download means for downloading from a server the child program and key information for identifying the child program. However, Woodring teaches download means for downloading from a server the child program and key

information for identifying the child program (The server stores the information received from the SCP and, upon request, provides the subscriber with enhanced caller-id information, para [0009], ln 4-9).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Judge and Ruutu to incorporate the feature of download means for downloading from a server the child program and key information for identifying the child program because this allows subscribers to monitor their telephone records from any location which is available for accessing to the server.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Judge et al (US 6,430,570 b1) in view of Ruutu (US 2004/0205769 A1), as applied to claim 1 above, and in view of Kalavade et al (US 2003/0051041 A1).

As to claim 6, Ruutu teaches first writing means for writing in a storage area key information for identifying a child program (para [0014], ln 4-10), if a content of a received message matches key information written in the storage area, writing information that the message has been received in a storage area for the running child program, para [0057], ln 9-13).

Judge and Ruutu do not teach a mobile communication network;

the communication terminal further comprises radio communication, if a message addressed to a telephone number of the communication terminal is sent from a base station constituting the communication network, receiving the message; the receiving means receives a message addressed to the communication terminal by using the radio communication means.

However, Kalavade teaches a mobile communication network(computer laptop, para[006], ln 1-5),the communication terminal further comprises radio communication (radio infrastructure, para[0006], ln 4-9), if a message addressed to a telephone number of the communication terminal is sent from a base station constituting the communication network(para[007], ln 1-9), receiving the message; the receiving means receives a message addressed to the communication terminal by using the radio communication means(para[0059], ln 1-15).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the teaching of Judge , Ruutu with Kalavade to incorporate the feature of a mobile, a message addressed to a telephone number, receives a message addressed to the communication terminal by using the radio communication means because this supports seamless mobility throughout the wide area.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LeChi Truong whose telephone number is (571) 272 3767. The examiner can normally be reached on 8 - 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomson, William can be reached on (571) 272 3718. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIP. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR


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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIP system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).

LeChi Truong

December 6, 2007


WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER